

Admittedly, the petitioner's father is in service at Jodhpur and the petitioner is a young lady having small child with her. The respondent can well come to Jodhpur and in case, the petition is not transferred to Family Court, Jodhpur, it appears that the petitioner will not be able to contest the petition of the respondent. Learned counsel for the petitioner pointed out that the petitioner preferred divorce petition prior to filing of petition under Section

9 by the respondent husband.

In view of the above facts and in the light of the decision delivered by this Court in the case of Smt. Sarla vs. Narendra Kumar (S.B. Civil Misc. Appeal No.647/2002) decided on 9.11.2006, the transfer petition deserves to be allowed so that the two petitions may be decided together.

In view of the above, this transfer petition is allowed, the Petition no.34/2006 (Om Prakash vs. Smt. Mamta) filed by the respondent under Section 9 of the Hindu Marriage Act pending in the Court of District Judge, Pali is hereby withdrawn and is hereby transferred to the Family Court, Jodhpur for deciding the same in accordance with law.

It is also made clear that it will be appropriate that both the petitions namely, divorce petition filed by the petitioner and the petition filed under Section 9 of the Hindu Marriage Act filed by the respondent may be consolidated by the court below and decided together.

Both the parties are directed to remain present before the Family Court, Jodhpur on 18.12.2006.

The learned Judge, Family Court, Jodhpur is requested to decide the petition expeditiously as early as possible.

(PRAKASH TATIA), J.

S.Phophaliya